

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI**

**NOTICE OF REMOVAL**

Defendant Apelles, L.L.C. (“Apelles” or “Defendant”) hereby files its Notice of Removal of the above-captioned case to this Court and, and in support of removal, respectfully states as follows:

1. Apelles is named as defendant in Civil Action No. 13JE-AC01644 filed in the Circuit Court of Jefferson County, Missouri, styled Ashley Kircher v. Apelles, L.L.C. (the “State Court Action”).

2. The Petition in the State Court Action was filed with the Clerk of the Circuit Court of Jefferson County on or about April 5, 2013. Pursuant to 28 U.S.C. § 1446(a), copies of all process, pleadings and orders served upon Defendant in the State Court Action are attached hereto as **Exhibit A**.

3. In the State Court Action, Plaintiff alleges that Defendant violated federal statutes, the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, et seq. (“FDCPA”) and the Telephone Consumer Protection Act, 47 U.S.C. § 227, et seq. (“TCPA”).

4. Any civil action is removable if the plaintiff could have originally brought the action in federal court. See 28 U.S.C. § 1441(a).

5. Under 28 U.S.C. § 1331 this Court has original federal question jurisdiction over Plaintiff's FDCPA and TCPA claims.

6. Accordingly, pursuant to 28 U.S.C. § 1441(a), Defendant has the right to remove the State Court Action to this Court, without regard to the citizenship or residency of the parties or the amount in controversy.

7. Defendant was formally served with the Summons and Petition on April 15, 2013. This removal is therefore timely pursuant to 28 U.S.C. § 1446(b).

8. By this Notice of Removal, Defendant does not waive any defense, jurisdictional or otherwise, which it may possess. Defendant also does not concede that Plaintiff has stated a claim against it.

WHEREFORE, in accordance with the authorities set forth above, Defendant hereby removes this action from the Circuit Court of Jefferson County, Missouri, to the United States District Court for the Eastern District of Missouri.

DATED this 10<sup>th</sup> day of May, 2013.

Respectfully submitted,  
SPENCER FANE BRITT & BROWNE LLP

By: /s/ Joshua C. Dickinson  
Joshua C. Dickinson, #51446MO  
12925 West Dodge Road, Suite 107  
Omaha, NE 68154  
(402) 965-8600 (telephone)  
(402) 965-8601 (facsimile)  
[jdickinson@spencerfane.com](mailto:jdickinson@spencerfane.com)

Patrick T. McLaughlin, #48633MO  
1 North Brentwood Blvd., Suite 1000  
St. Louis, MO 63105  
(314) 863-7733 (telephone)  
(314) 862-4656 (facsimile)  
[pmclaughlin@spencerfane.com](mailto:pmclaughlin@spencerfane.com)

*Attorneys for Defendant*

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing document was filed electronically with the United States District Court for the Eastern District of Missouri, Eastern Division, this 10<sup>th</sup> day of May, 2013, with a true copy mailed, first class postage prepaid, to:

Richard A. Voytas  
Nathan K. Bader  
Voytas & Company  
1 North Taylor Avenue  
St. Louis, MO 63108

*Attorneys for Plaintiff*

/s/ Joshua C. Dickinson